

**LEWIS COUNTY**

**STAFF REPORT**

**PROPOSAL INFORMATION**

<b>Contact</b>	Joan Rambo		
<b>Owner</b>			
<b>Request</b>	<input checked="" type="checkbox"/> Map <input type="checkbox"/> Text <input type="checkbox"/> UGA Change <input type="checkbox"/> Other		
	<b>Existing Zoning Category:</b>	Agricultural Resource Land	
	<b>Proposed Zoning Category:</b>	RDD-5	
	<b>Existing Comprehensive Plan Designation:</b>	Agricultural Resource Land	
	<b>Proposed Comprehensive Plan Designation:</b>	RDD-5	
<b>Location/Site Size</b>	Located on Roberts Rd, north of State Route 508		Approximately 23.47 acres
<b>Parcel Number(s)</b>	017227000000, 017227001000		
<b>Site Description</b>	Site	Contains a home on one parcel, the other parcel is vacant and cleared	
	Topography	Mostly flat with some trees on the one parcel, and cleared on the other parcel.	
	Other Features	NA	

**SUMMARY EVALUATION**

CRITICAL AREAS REVIEW	
<b>Critical Aquifer Recharge Area</b>	Low Susceptibility
<b>Floodplain</b>	N/A
<b>Geologically Hazardous Areas</b>	N/A
<b>Wetlands</b>	N/A
<b>Hydric Soils</b>	Present on site
<b>Stream Buffers</b>	N/A

### **STATE ENVIRONMENTAL POLICY ACT (SEPA)**

An environmental checklist was prepared by Lewis County for the proposal and Determination of Non-Significance (DNS) for a non-project action was issued for the proposal on June 1st, 2011, with a comment and appeal period ending on June 21st, 2011. The DNS was circulated to agencies of jurisdiction and published in the East County Journal on June 21st, 2011.

### **PUBLIC NOTICE REQUIREMENTS**

Notice of the public hearing on the proposal was published in the Legal Notice section of the East County Journal on June 15, 2011.

### **Public Participation**

The applicant and Lewis County Community Development Department have met the following Public Participation Program guidelines for public notice and public hearing(s):

- Circulation of application and SEPA to affected Lewis County agencies and jurisdictions
- County-wide general circulation of a legal notice placed in the East County Journal and the Chronicle newspaper on June 15, 2011.
- Public meeting & workshop held in Lewis County Courthouse on April 26, 2011, and May 24<sup>th</sup>, 2011 at 7:00 p.m.
- County-wide general circulation of a legal notice for amendment and hearing date placed in the East County Journal and the Chronicle newspaper on June 15th, 2011.
- Circulation of amendment to state agencies for review as required by RCW 36.70A
- Publication of amendment and map on Lewis County internet site
- Information regarding proposed Rezones and concurrent Comprehensive Plan Map Amendment(s) available at the Timberland Regional Libraries and Senior Centers.

### **PUBLIC COMMENT**

None received as of the date this report was produced.

### **STAFF REPORT ON AMENDMENT REQUEST**

**File No:** Remand-173

**Request:** The application is a request to change the zoning from Agricultural Resource Land (ARL) to RDD-5 with a concurrent Comprehensive Plan map change from Agricultural Resource Land to RDD-5.

**Application Summary:** This application was remanded back to the Planning Commission by the Board of County Commissioners in 2010. The properties met the Agricultural Resource Land (ARL) criteria in 2008 and were designated ARL. The applicant states that the subject parcel is part of a larger area that is transitioning to RDD-5, and that an RDD-5 zone would be more consistent with neighboring properties. The applicant states the property has not been farmed and is not realistically a farmable parcel, or could be used effectively for agricultural uses.

The applicant states that soils on the site have been depleted of much nutrition needed to grow anything due to years of growing Christmas trees. Currently the site is utilized for hay crops. A soils survey was submitted. The property was zoned RDD-5 previously before being categorized as Agricultural Resource Land. This property is part of a larger area zoned Agricultural Resource Land. The property is under the current ag tax program.

**Site Information:** The proposal consists of two parcel(s), one approximately 1.55 acres, and one approximately 21.92. The site is clear with some trees on the northeast section of the smaller lot. Parcels in the immediate area range from 127 acres to 1.37 acres. Property to the north and south are open space with home sites and with Agricultural Resource Land designation. Parcels to the east and west contain trees and brush and have home sites; parcels to the east are RDD-5; parcels to the west are Agricultural Resource Land.

## **APPLICABLE ZONING ORDINANCE & COMPREHENSIVE PLAN GOALS AND POLICIES**

The zoning ordinance & Comprehensive Plan, and other applicable regulations provide the framework for consideration of zone changes and concurrent Comprehensive Plan map amendments. Following are relevant zoning and Comprehensive Plan text citations related to the consideration of the proposed amendment.

### **Applicable Lewis County Zoning Code Chapters:**

#### **Chapter 17.30 Resource Lands**

##### **Agricultural**

##### **17.30.080 Agricultural land – Agricultural Resource Land**

Agricultural land or agricultural resource land means land primarily devoted to the commercial production of aquaculture, horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products to berries grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

### **17.30.605**

“The intent and purpose of this section is to maintain and enhance resource-based industries, encourage the conservation of agricultural lands, and discourage incompatible uses”.

### **17.30.610 Primary Uses**

Agriculture and agricultural activities including aquaculture, viticulture, floriculture, horticulture, general farming, dairy, the raising, feeding, and sale or production of poultry, livestock, fur-bearing animals, honeybees including feeding operations, Christmas trees, nursery stock, and floral vegetation, agricultural processing facilities, commercial greenhouse operations that are an integral part of a local soil based commercial agricultural operations, wholesale nurseries, and other agricultural activities.

### **Rural Development District (RDD)**

#### **17.100.010 Purpose**

The Rural Development District is the portion of land in Lewis County not otherwise designated. While the Rural Development District has an overall density designation of one unit per five acres, one unit per ten acres, one unit per twenty acres, the combinations of steep slopes, tight soils, flood plains, and unbuildable critical areas will provide a wide variety of rural residential densities, and will preserve the rural character of the county while providing reasonable opportunity for any low density development. The purpose of this chapter is to achieve a variety of lot sizes, protect rural character, and protect small rural business which have historically served the citizens of Lewis County.

## **Applicable Lewis County Comprehensive Plan Chapters:**

### **Chapter 2 Lewis County 20-Year Vision**

#### **Natural Resource Areas**

Lewis County will have well-managed natural resource areas that continue to provide opportunities for natural resource based industries, like agriculture and timber, into the future. Natural resource areas are also the focus of Lewis-County’s recreational and tourist activities. These activities are encouraged, but also well-managed with respect to the overall preservation of our important natural resources.

Environmental and resource protection will be encouraged in order to preserve the quality environment enjoyed in Lewis County for future generations. The open lands, forests, river and stream corridors are essential resources which provide the fish and

wildlife habitat, recreational opportunities, scenic beauty, and aesthetic qualities that make Lewis County and attractive place to live.

## **NATURAL RESOURCE LANDS SUB-ELEMENT**

**Agricultural/Agricultural Resource Lands** are those lands primarily devoted to the commercial production of aquaculture, horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

### **Rural Development District**

#### *Density criteria for a variety of densities in rural areas*

“Lands outside of the rural areas of more intense development defined above shall be Rural Development District Zoning designations in the RDD shall include a range in land use densities of one unit per five acres to one-unit-per-20-acres for overall new residential development. In rural lands existing lots of record, regardless of size, shall be legal lots for uses as set forth in development regulations”.

“the third zone identified for use in the rural areas is residential one unit per five acres. This zone is located in areas that show a pattern of large lot residential development, and are typically near population centers such as the UGAs and the small towns. The residential unit 1-5 zone permits residential uses and a variety of uses, including home occupations, isolated small businesses, and additional uses commonly found in rural areas. Some activities have been limited due to the projected intensity of development or proximity to more developed areas”.

The comprehensive plan lists “general measures to govern rural area development”: including

- 1) Containing or otherwise controlling rural development
- 2) Assure visual compatibility
- 3) Reduce the inappropriate conversion of land into sprawling low density development in the rural area
- 4) Protect critical areas and surface water and ground water resources
- 5) Protect against conflicts with the use of agricultural, forest and mineral resource lands

## **RURAL AREAS GOALS, OBJECTIVES AND POLICIES**

### **R GOAL**

#### **Objective**

**R 1**      Ensure that growth in the County is focused so that the remainder of the

County can remain predominantly rural.

**Policies**

- R1.1 Rural development, outside of defined urban growth areas, should be encouraged in a pattern and density that supports the surrounding and prevailing land use pattern, and that does not create urban demands for services for the County taxpayers to support.

**NATURAL RESOURCE LANDS GOALS, OBJECTIVES AND POLICIES**

**NR Goal: Maintain agricultural, commercial timber production, mineral resource extraction lands and their ancillary uses.**

**Objective**

- NR1** Identify and conserve resource lands supporting agriculture, forest, and mineral extractive industries.

**Policies**

- NR1.1 The Lewis County Resource Lands Ordinance will be revised to be consistent with the provisions of this plan.
- NR 1.2 The County should protect the interests of land-owners who wish to continue the practice of management of natural resources.
- NR 1.3 Designate agricultural lands of long-term commercial significance as follows:
2. Identify lands that are classified as having prime farmland soils as determined by the National Resource Conservation Service (NRCS) that occupy a significant partition of the parcel. Prime farmland soils include soils classified by NRCS as “prime farmland”, Prime farmland if drained,” prime farmland if drained and either protected from flooding or not frequently flooded during the growing season, “ and prime farmland if irrigated.” (NRCS maintains a list of soil mapping units that meet the criteria for prime farmland.
  3. Lands with soils that are classified by NRCS as “prime farmland if drained” or “prime farmland if irrigated” are presumed to be drained or irrigated in the absence of evidence to the contrary;
- NR 1.4 Resource use, particularly agricultural and timber uses and accessory uses, are encouraged in all rural areas.

- NR 1.6      Some parcels may contain both prime soils and soils that are poor or otherwise not suitable for agricultural purposes. Provisions should be made to allow land owners to redesignate that portion of the parcel containing soils that are poor or otherwise not suitable for agricultural purposes.
- NR 1.14     The maximum residential density on commercially significant agricultural resource lands is one unit per 20 acres.
- NR 1.20     It is the responsibility of any new incompatible land use to appropriately buffer itself from any existing forestry, agricultural or mineral resource lands.

### **Cumulative Impact Evaluation**

The Planning Commission should review specific objectives and policies related to each zone change and concurrent comprehensive plan map amendment in its decision. Staff has listed the objectives and policies related to this request. Additionally, information contained on the rezone application itself must be weighed against criteria in the zoning ordinance and Comprehensive Plan, and with issues related to Agricultural Resource Lands, and the moratorium that existed in Lewis County related to Agricultural Resource Lands.

Remand 173 is a request for a zone change from Agricultural Resource Land to RDD-5, and concurrent Comprehensive Plan map amendment from Agricultural Resource Land to RDD-5. Conversion of resource land to rural land must meet criteria found in section 17.30.600, "Relief from errors in ARL designation".

The site is prime farmland if properly drained and approximately 75% of the site is poor to moderately drained. Currently no irrigation takes place on the parcel. The property is under the current ag use tax program.

The area to the east has transitioned into an RDD-5 pattern however this parcel remains a portion of the larger corridor of Agricultural Resource Land. Recommendation for approval for this rezone and concurrent comprehensive plan map change would remove Agricultural Resource Land that contains prime farmland, and would remove a significant piece from a corridor of Agricultural Resource Land.

Conditions do not appear to have changed from the ARL designation of this land. Removing this parcel from the Agricultural Resource designation could be interpreted as a spot zone benefiting a single land owner.

Examining the criteria for removal of a parcel from the Agricultural Resource Land designation, and the fact that no significant changes have occurred, staff recommends the parcel remains Agricultural Resource Land, with a concurrent comprehensive map amendment to remain Agricultural Resource Land.

**Attachments:**

Applicants Application